

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BLAIR A. BAKER,

Plaintiff,

-against-

TARGET CORPORATION and ALEX RODRIGUEZ, an
individual,

Defendants.

COMPLAINT

Jury Trial Demanded

Index No.:

Plaintiff Blair A. Baker (“Plaintiff”), by and through her attorneys, The Law Office of David H. Rosenberg, P.C., complaining of Defendants Target Corporation (“Target”) and Alex Rodriguez (“Rodriguez” and all together as “Defendants”) herein, alleges upon knowledge as to herself and her own actions, and upon information and belief as to all other matters, as follows:

JURISDICTION AND VENUE

1. This is sex discrimination and retaliation case brought pursuant to Title VII of the Civil Rights Act of 1964, as amended (“Title VII”); and the New York State Human Rights Law, Executive Law § 296, *et seq.* (“NYSHRL”).
2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1343(a)(3), and 28 U.S.C. § 1343(a)(4).
3. Venue is proper pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to this cause of action, including the unlawful employment practices alleged herein, occurred in this district.
4. All conditions precedent to maintaining this action have been met. A charge of discrimination was filed with the Equal Employment Opportunity Commission, a Notice

of Right to Sue was received on May 27, 2022, and this action has been filed within ninety (90) days of receipt.

PARTIES

5. At all relevant times, Target was a corporation duly incorporated, validly existing, and in good standing, under the laws of New York, with a principal business location of 7000 Target Parkway N. MALL STOP: NCE-0243, Minneapolis, Minnesota, 55445, and a local retail location of 999 Corporate Drive, Westbury, New York, 11207 (“Premises”).
6. At all relevant times, Target had 15 or more employees.
7. At all relevant times, Rodriguez was a male OPU team member employee of Target.
8. At all relevant times, Plaintiff, female resident of Nassau County, New York, was a Target employee and regularly reported to work at the Premises.
9. At all relevant times, Plaintiff reported to work at the Premises.

BACKGROUND

10. At all relevant times, Target was a national merchandise retailer with stores in every state.
11. In or around October 2020, Plaintiff commenced employment as a fulfillment team member
12. Due to sheer hard work and dedication to the job, Plaintiff excelled above and beyond the call of duty. To this point, Plaintiff was well-liked by customers and co-workers.
13. Notwithstanding these positive contributions, Plaintiff was discriminated against on account of sex and retaliated for opposing it.

FACTS

14. On or around August 22, 2021, Rodriguez instructed Plaintiff to exchange cell phone

numbers for work. Plaintiff complied with the request, exchanged cell phone numbers with Rodriguez, and then fell victim to his sexual harassment.

15. Between August 22 and September 29, 2021, Rodriguez would typically call Plaintiff about three times a day and send Plaintiff inappropriate text messages such as: “You got me doing grocery [sic], you’re influential in a good way I like that [sic]”; “It was dope getting several smiles to shine on your face [sic]”; “We sometimes bring the bar to target don’t tell no1 [sic]”; “What’s your poison, I’ll have drink for you sometime if you’d like [sic]”; “Lmfao btw amazingxander [sic] is my Instagram if you wanna [sic] follow me”; and, “Hey I hope you’ve gotten through your day, and up for some rest soon.” Other non-female employees were not treated this way.

16. On August 25, 2021, Rodriguez sent Plaintiff inappropriate videos of himself gyrating and thrusting his hips to music. Rodriguez can be heard in the videos saying: “Letting you see me in my natural habitat my own carefree world” and “just for your entertainment I thought I’d share this with you.” The caption Rodriguez created from the below still from one of these videos shows him threatening, “No job is safe.”



This caused Plaintiff to feel embarrassed, uncomfortable, and emotionally distressed. Other non-female employees were not treated this way.

17. On or around September 5, 2021, Rodriguez texted Plaintiff, “Hey [sic] What’s up? Are you free Sunday night?” Plaintiff understood this to be a request for a romantic date and opposed the discriminatory treatment by not answering Rodriguez. Later, Rodriguez told Plaintiff generally, “We should hangout sometime soon.” Plaintiff believed this to be another request for a romantic date and objected by saying generally, “I’m not really into the hangout outside of work.” Rodriguez then retaliated against Plaintiff.
18. On or around September 13, 2021, Rodriguez yelled at Plaintiff, in front of Gerard (“Gerard”, last name unknown, male team leader) and Kayleigh (“Kayleigh”, last name unknown, female executive team leader), words to the effect of, “You are not a team player, you are so narcissistic and that’s why you are not even trained right. You need to be retrained.” Other non-female employees and those who did not oppose discriminatory practices were not treated this way.
19. Gerard objected to Rodriguez’s treatment of Plaintiff and responded with words to the effect of, “Ok calm down, it’s not that serious.” Notwithstanding Gerard’s observations, no investigation was conducted, no disciplinary action was given, and no corrective action was taken. On the contrary, Plaintiff was forced to continue working with Rodriguez in the aforementioned hostile work environment.
20. On or around September 21, 2021, Rodriguez deliberately pushed several Target shopping carts across the floor at the Premises into Plaintiff’s body, causing her to experience discomfort and pain. Rodriguez also kicked Plaintiff’s work bins causing them to break. This caused Plaintiff to feel embarrassed, uncomfortable, ashamed, hurt, and emotionally distressed. Other non-female employees and those who did not oppose discriminatory practices were not treated this way

21. Plaintiff complained to Martin (“Martin”, last name unknown, male executive team leader) generally, “I cannot handle the sexual harassment from Alex [Rodriguez]. He has kicked and broke my work bins, pushed shopping carts from across the store into my body, and he continues to bully me in this manner because I won’t go out with him.” Martin told Plaintiff generally, “Just write an official statement of what happened and Tina¹ will handle it and look at the cameras.” Plaintiff submitted an official statement as instructed. Notwithstanding this complaint, no investigation was conducted, no disciplinary action was given, and no corrective action was taken. On the contrary, Plaintiff was forced to continue working with Rodriguez in the aforementioned hostile work environment. This caused Plaintiff to feel embarrassed, uncomfortable, ashamed, hurt, and emotionally distressed.
22. On or around September 22, 2021, Plaintiff’s printer and stapler were missing from her desk. Plaintiff believed that Rodriguez stole these items from her in retaliation. Plaintiff complained to Martin generally, “Alex [Rodriguez] continues to harass me at work because I won’t go out with him and now, he is stealing my stuff. He took my printer and stapler. He [Rodriguez] keeps purposefully antagonizing me and no one is handling it. I don’t know what to do, please help me, Martin.”
23. Martin responded generally, “I am so tired of this. We will look at the cameras and see if we can catch him. In the meantime, I will put in a request for a new stapler and printer.” Plaintiff received a new stapler and printer. Kayleigh told Plaintiff generally, “It’s not ok that Alex [Rodriguez] yelled at you. I’m sure Tina will handle it.” Notwithstanding Plaintiff’s complaints, no investigation was conducted, no disciplinary action was given,

¹ (“Tina”, last name unknown, female executive team leader)

and no corrective action was taken. On the contrary, Plaintiff was forced to continue working with Rodriguez in the aforementioned hostile work environment. This caused Plaintiff to feel embarrassed, uncomfortable, ashamed, hurt, and emotionally distressed.

24. Throughout the month of October 2021, Rodriguez would typically ram Plaintiff's work carts around the office with heavy physical exertion causing Plaintiff to become fearful for her physical safety. This caused Plaintiff to feel embarrassed, uncomfortable, ashamed, hurt, and emotionally distressed. Other non-female employees and those who did not oppose discriminatory practices were not treated this way

25. On or around November 21, 2021, Plaintiff told Gerard generally, "Please help me. Alex [Rodriguez] continuously bullies me every day because I won't go out with him and messes up my work. He forcefully pushes and rams my carts away from me." This was said in front of Sarah ("Sarah", last name unknown, female inbound member). Instead of reporting the sexual harassment, Gerard defended Rodriguez and tried to gaslight Plaintiff into believing she had not been sexually harassed by responding generally, "I don't think he did it on purpose." Sarah assisted Gerard in his attempt to psychologically manipulate Plaintiff into believing she had not been sexually harassed by responding with, "Yeah, he was smiling. He was not trying to be rude." Gerard, satisfied that Plaintiff had been so manipulated, said to Plaintiff generally, "See it was not intentional." This caused Plaintiff to feel embarrassed, uncomfortable, ashamed, hurt, and emotionally distressed. Other non-female employees and those who did not oppose discriminatory practices were not treated this way.

26. On or around November 22, 2021, Rodriguez looked at Plaintiff, whispered to Sarah ("Sarah", last name unknown, female inbound member) at a volume that Plaintiff could

hear while looking at Plaintiff, “You’re all going to get fucked up.” Sarah charged at Plaintiff while fist pounding the palm of her hand and threatened Plaintiff with, “Don’t act delusional bitch, you know what you’re doing.” This was said in front of Jonathan (“Jonathan”, last name unknown, male team leader) and Shaq (last name unknown, female team member). Notwithstanding Jonathan and Shaq’s observations, no investigation was conducted, no disciplinary action was given, and no corrective action was taken. On the contrary, Plaintiff was forced to continue working in the aforementioned hostile work environment. This caused Plaintiff to feel embarrassed, uncomfortable, ashamed, hurt, and emotionally distressed. Other non-female employees and those who did not oppose discriminatory practices were not treated this way.

27. On or around November 22, 2021, Plaintiff asked Jonathan generally, “May I please have a copy of the complaints and records of every time I reported Alex [Rodriguez] for sexual harassment please? I was threatened today, I really don’t feel safe, and I do not feel like the Company has done anything with my sexual harassment complaints. I want to keep my complaints for my personal records, and I would like for him to be sent home. Jonathan responded generally, “Sorry I cannot give you those. You would have to get them through Tina, maybe. We cannot send Alex [Rodriguez] home.” There is an investigation process we have to follow.” Notwithstanding this complaint, no investigation was conducted, no disciplinary action was given, and no corrective action was taken. On the contrary, Plaintiff was forced to continue working in the aforementioned hostile work environment. This caused Plaintiff to feel embarrassed, uncomfortable, ashamed, hurt, and emotionally distressed. Other non-female employees and those who did not oppose discriminatory practices were not treated this way.

28. On or around November 22, 2021, Plaintiff told Martin generally, “I am very frustrated. I don’t feel safe. Alex sexually harassed and threatened me, and nothing is being done about it.” Martin replied generally, “I understand. I can see you’re upset. I thought they were going to do something months ago. I don’t know what happened. I’m calling SD² Rob³ right now to let him know.”

29. On or around November 23, 2021, Rob asked Plaintiff, “What happened? What is going on?” Plaintiff replied, “I was sexually harassed by Alex then physically threatened by him and Sarah. I am scared to be around both of them, and I would like to be separated. Alex keeps pushing my carts, stealing my stuff and now he is trying to have this girl Sarah fight me.” Rob responded generally, “Ok. I’m going to go speak to Martin and Roy.” Notwithstanding this complaint, no investigation was conducted, no disciplinary action was given, and no corrective action was taken. On the contrary, Plaintiff was forced to continue working with Rodriguez in the aforementioned hostile work environment. This caused Plaintiff to feel embarrassed, uncomfortable, ashamed, hurt, and emotionally distressed.

30. On or around November 25, 2021, Plaintiff asked Martin generally, “Can I be separated from Alex [Rodriguez] and Sarah. I really don’t feel comfortable being around them.” Martin responded with words to the effect of, “I will see what I can do.” Notwithstanding this complaint, no investigation was conducted, no disciplinary action was given, and no corrective action was taken. On the contrary, Plaintiff was forced to continue working in the aforementioned hostile work environment. This caused Plaintiff to feel embarrassed,

² SD is a term commonly referred within Target as a manager.

³ (“Rob”, last name unknown, male manager)

uncomfortable, ashamed, hurt, and emotionally distressed. Other non-female employees and those who did not oppose discriminatory practices were not treated this way.

31. On or around November 25, 2021, Plaintiff asked Anna (last name unknown, female team leader), “Can you please separate me from Alex and Sarah. I really am not comfortable being around them and the hostility.” Anna responded generally, “I need you to be an adult and stay where you are today. I cannot move you right no. You are the best at your job just stay where you are. I will try and talk to Alex and Sarah.” This caused Plaintiff to feel embarrassed, uncomfortable, ashamed, hurt, and emotionally distressed. Other non-female employees and those who did not oppose discriminatory practices were not treated this way.

32. On November 28, 2021, Plaintiff was terminated on account sex and in retaliation.

33. As a result of the discriminatory/retaliatory termination, Plaintiff suffered and continues to suffer emotional and economic damages.

FIRST CAUSE OF ACTION

(Discrimination and retaliation under Title VII against Target)

16. Plaintiff repeats, reiterates, and re-alleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

17. Plaintiff was discriminated against on account of sex.

18. Plaintiff was retaliated for opposing discriminatory practices.

19. As more fully set forth above, Target took adverse employment actions against Plaintiff, subjected Plaintiff to a severe and pervasive hostile work environment and/or maintained an atmosphere of adverse actions, chiefly being Plaintiff’s termination, in violation of Title VII.

SECOND CAUSE OF ACTION

(Discrimination and retaliation under NYSHRL against all Defendants)

20. Plaintiff repeats, reiterates, and re-alleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.
21. Plaintiff was discriminated against on account of sex.
22. Plaintiff was retaliated for opposing discriminatory practices.
23. As more fully set forth above, Defendants took adverse employment actions against Plaintiff by subjecting Plaintiff to more than petty slights and trivial inconveniences; inferior terms of a hostile work environment; and an atmosphere of adverse actions, chiefly being Plaintiff's termination.
24. The individual Defendant participated in, as well as aided; abetted, incited, compelled and/or coerced the aforementioned unlawful conduct.

WHEREFORE, Plaintiff demands judgment against Defendants for all compensatory, liquidated, lost pay, front pay, back pay, injunctive relief, reinstatement, emotional, punitive, and any other damages permitted by law. It is further requested that this Court grant reasonable attorneys' fees and the costs and disbursements of this action and any other relief to which Plaintiff is entitled. Plaintiff demands a trial by jury.

Dated: Melville, New York
June 7, 2022

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